

10/581086

5/31/2008

AP3 Rec'd PCT/PTO 31 MAY 2008

Docket No.: 3749-0113PUS1
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Eihachiro KATO et al.

Application No.: NEW

Confirmation No.: N/A

Filed: May 31, 2006

Art Unit: N/A

For: FERMENTED FOOD

Examiner: Not Yet Assigned

INFORMATION DISCLOSURE STATEMENT (IDS)

MS PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 CFR 1.56, 1.97 and 1.98, the attention of the Patent and Trademark Office is hereby directed to the references listed on the attached PTO/SB/08. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the references be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

This Information Disclosure Statement accompanies the new patent application submitted herewith.

A summary/abstract translation of the non-English language references is enclosed.

JP Patent No. 6-319456; JP 3-039059 and JP 61-239852 are cited newly in the IPER.

WO 2002/069738 corresponding to JP 2004-519238 cited in the International Search Report; WO 2001/093696 which corresponds to US Publication No. 2003/0161910; JP 2001-231501; JP 2003-235493 and JP 2003-088320 are references cited in the Office Action issued on May 22, 2006 in JP Patent Application No. 2005-516458 corresponding to PCT/JP2004/018352.

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Applicant has not submitted copies of each cited U.S. patent and U.S. patent application as required by 37 CFR 1.98(a)(2)(i), amended October 2004, as the U.S. Patent and Trademark Office has waived this requirement for all U.S. patent applications. Applicant submits herewith copies of foreign and non-patents in accordance with 37 CFR 1.98(a)(2).

A concise explanation of relevance of the items listed on form PTO/SB/08 is in the form of an English language copy of a Search Report from a foreign patent office, issued in a counterpart application, which refers to the relevant portions of the references.

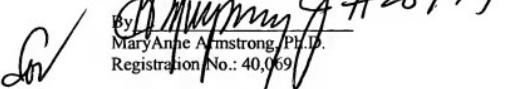
In accordance with 37 CFR 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR 1.56(a) exists. In accordance with 37 CFR 1.97(h), the filing of this Information Disclosure statement shall not be construed to be an admission that any patent, publication or other information referred to therein is "prior art" for this invention unless specifically designated as such.

It is submitted that the Information Disclosure Statement is in compliance with 37 CFR 1.98 and the Examiner is respectfully requested to consider the listed references.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to our Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

Dated: May 31, 2006

Respectfully submitted,

By 
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PTO/SB/106a (07-05)

Approved for use through 07/31/2009. GPO: 2008-0031
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Substitute for form 1449A/B/PTO				Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT				Application Number	NEW
				Filing Date	May 31, 2006
				First Named Inventor	Eiichiro KATO
				Art Unit	N/A
				Examiner Name	Not Yet Assigned
Sheet	1	of	1	Attorney Docket Number	3749-0113PUS1

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No.*	Document Number Number-Kind Code ² (#Known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
/HRR	AA*	US-20030161910-A1	08-28-2003	Aoki et al.	T ⁴

Examiner Initials*	Cite No.*	Foreign Patent Document		Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Country Code ² -Number ³ -Kind Code ³ (#Known)	Publication Date MM-DD-YYYY		
/HRR	BA	JP-2003-235493-A	08-26-2003		ISR
	BB	JP-2004-519238-A	07-02-2004		ISR
	BC	WO-01/93696-A1	12-13-2001		ISR
	BD	JP-6-319456-A	11-22-1994		IPEA
	BE	JP-3-39059-A	02-20-1991		IPEA
	BF	JP-61-239852-A	10-25-1986		IPEA
	BG	WO-2002/069738-	09-12-2002		
V	BH	JP-2001-231501	08-28-2001		ABS
	BI	JP-2003-088320	08-26-2003		ABS

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. *CITE NO.: Those application(s) which are marked with an single asterisk (*) next to the Cite No. are not supplied (under 37 CFR 1.98(a)(2)(ii)) because that application was filed after June 30, 2003 or is available in the IWF. *Applicant's unique citation designation number (optional). See Standard Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. *Enter Office that issued the patent by the two-letter code (WIPO Standard ST.16). For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ² Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ³ Applicant is to place a check mark here if English language Translation is attached.

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No.*	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ⁴
/HRB	CA	Kathleen A. HACHMEISTER et al., Critical Reviews in Microbiology, 1993, vol. 19, no. 3, pages 137 to 188	

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¹Applicant's unique citation designation number (optional). ²Applicant is to place a check mark here if English language Translation is attached.

GM

Examiner Signature	/Hamid Badr/	Date Considered	09/09/2009
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Birch, Stewart, Kolasch & Birch, LLP

MAA/smt